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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Marco Polo MARTINEZ-Martínez,

Defendant.

Magistrate Case No.: **'08 MJ 8809**
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

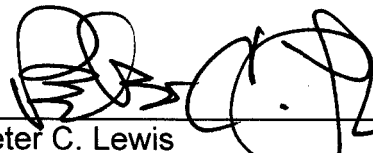
The undersigned complainant being duly sworn states:

On or about September 3, 2008, within the Southern District of California, defendant Marco Polo MARTINEZ-Martínez did knowingly and intentionally import approximately 23.40 kilograms (51.48 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Rafael Silva, Special Agent
Immigration and Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4TH
DAY OF SEPTEMBER 2008.


Peter C. Lewis
U. S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.
3 Marco Polo MARTINEZ-Martínez

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents,
6 and notes furnished to Immigration and Customs Enforcement
7 Special Agent Rafael Silva.

8 On September 3, 2008, at approximately 1340 hours, Marco
9 Polo MARTINEZ-Martínez (MARTINEZ) entered the United States at
10 the Calexico, California, west port of entry. MARTINEZ was the
11 driver, sole occupant and registered owner of a 1991 Chevy Astro
12 Van.
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14 Customs and Border Protection (CBP) Canine Enforcement
15 Officer (CEO) Jones, was conducting a pre-primary operation with
16 his assigned Human/Narcotics Detector Dog when the dog alerted to
17 the vehicle MARTINEZ was driving. CBP/CEO Jones notified CBP
18 Officer Apolinar of the alert. CBP Officer Apolinar received a
19 negative customs declaration from MARTINEZ. CBP Officer Apolinar
20 referred and escorted MARTINEZ to the vehicle secondary lot for
21 further inspection.
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23 While at vehicle secondary, CBP Officer Apolinar continued
24 with the vehicle inspection. Further inspection revealed several
25 packages, concealed in a non-factory compartment above the gas
26 tank of the vehicle. A total of twenty (20) packages were found
27 concealed in the compartment.
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1 CBP Officer Apolinar probed one of the packages and a sample
2 of a green leafy substance was obtained, which field tested
3 positive for marijuana. The 20 packages had a combined weight of
4 approximately 23.40 kilograms (51.48 pounds) of marijuana.

5 MARTINEZ was placed under arrest and advised of his rights,
6 per Miranda, which he acknowledged and waived, agreeing to answer
7 questions. MARTINEZ stated he was offered \$600.00 to drive a
8 vehicle into the United States. MARTINEZ stated he did not know
9 what type of drug he was smuggling. MARTINEZ was to leave the
10 drug-laden vehicle at the McDonald's parking lot in Calexico.
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